# CITY OF HAMILTON

## - RECOMMENDATION -

*DATE:* June 12, 1991
(P5-4-2-18)

*REPORT TO:* Mrs. Susan K. Reeder, Secretary
Planning and Development Committee

*FROM:* Mr. J. D. Thoms
Commissioner of Planning and Development

*SUBJECT:*

Housing Intensification Strategy

*RECOMMENDATION:*

That the following housing intensification strategy be adopted:

1. Enforcement of Illegal Units, Community Participation and Stability for Pre-1940 Areas

   i) That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis;

   ii) That in keeping with the principle of accessory units, the requirements of the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District be amended to permit a converted dwelling containing not more than two dwelling units, rather than the currently permitted three units;

   iii) That a program be developed to identify and deal with illegally converted dwelling units;

   iv) That as part of this strategy, the Province be once again requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed;

   v) That the Building Department be requested to:

      a) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;

      b) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,

c) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.

vi) That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

2. Residential Conversions

i) That the Planning and Development Department be directed to pursue with the Province the possibility of enacting special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.

ii) That the Zoning By-law be amended to:

a) permit one accessory apartment as-of-right in all existing single family dwellings in "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts, providing the dwelling is a minimum of 20 years of age;

b) require at least one unit of the converted dwelling to be a minimum of 65 $m^2$ (700 sq. ft.); and,

c) to permit a maximum area of 50% of the front yard to be used for vehicle access, turning and parking, to protect the appearance of the street.

iii) That the Province be requested to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected.

3. Redevelopment, Infill, Non-Residential Conversions and Other Initiatives

i) That the Zoning By-law requirement in Section 14 for the "H" classification be amended to also allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains for commercial use and meets parking requirements.

ii) That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:

a) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,

b) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.

iii) That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

iv) That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch and that the Regional Council be requested to include this project in the Branch's Work Program.

v) That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study and through the Regional Chairman's Task Force on Affordable Housing.

vi) That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age, to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.

vii) That in the Neighbourhood Planning process, consideration should be given to the following:

- the designation of areas where conversions can occur, regardless of the age of dwellings; and,
- areas in which mixed residential/commercial uses can be encouraged.

viii) That the Province be requested to increase its allocation of non-profit and co-op units to the City of Hamilton.

**J. D. Thoms, M.C.I.P.**
**Commissioner**
**Planning and Development Department**

**A. L. Georgieff, M.C.I.P.**
**Director of Local Planning**

***FINANCIAL/STAFFING/LEGAL IMPLICATIONS:***

N/A

## *1.0 BACKGROUND:*

Housing intensification is the process of increasing the number of households within the existing urban fabric by making more efficient use of the existing housing stock and/or physical infrastructure. Converted dwellings are one component of housing intensification, but there are a number of equally important initiatives, such as:

- infill of new housing on vacant or underutilized lots;
- redevelopment of non-residential lands for new housing;

- home sharing within existing residential units without providing self-contained units; and,

- conversion of non-residential structures to residential use.

All these forms of housing intensification achieve the same objectives; the creation of more housing and a more efficient use of the built environment.

A number of key events have occurred over the last 18 months which have assisted in shaping the proposed housing intensification strategy outlined in this report. These events include:

1. December 1989 - Preparation of the Housing Intensification Study Background Report, which reviewed demographic and housing trends, as well as opportunities for intensification.

2. March 1990 - Preparation of the Housing Intensification Study Surveys and Analysis Report, which undertook a survey of intensification requirements in other Ontario municipalities, a review of Zoning and By-law enforcement procedures and a survey of community attitudes regarding housing intensification in 3 neighbourhoods (Homeside, Bruleville, and Central/Beasley).

3. May 23, 1990 - Presentation to Planning and Development Committee of the Draft Housing Intensification options as prepared by the Technical Steering Committee. The Committee was established to examine opportunities for housing intensification in the City.

4. July 11 and September 12, 1990 - Presentation and discussion of the Technical Steering Committee's draft options. These two meetings were well-publicized and attended and resulted in approximately 60 written submissions to the City.

5. February 20, 1991 - Presentation of the proposed strategy on housing intensification to the Planning and Development Committee, based on comments made at the two previous public meetings, submissions received and discussions with concerned citizens, politicians, interest groups and municipal departments. At this meeting, authorization was given to hold a public meeting to present and discuss the proposed strategy.

6. March 20, 1991 - Presentation and discussion of the Housing Intensification Strategy at a public meeting, attended by approximately 300 people. As a result, 27 submissions on the strategy have been received to date.

The purpose of this report is to provide the Planning and Development Committee with a final recommended strategy for housing intensification. The strategy attempts to balance local needs and concerns with the requirements of the Provincial Policy Statement on Land Use Planning for Housing. Based on comments made by the public, discussions with other departments, the CAO and representatives of the Management Team and further analysis of the various elements of the proposed strategy, possible changes to the strategy are examined in this report.

For those elements of the strategy which have caused the greatest concern, a range of options will be examined prior to reaching any conclusions.

As the previous strategy report stated, there are no quick-fixes to the problems of housing intensification, particularly residential conversions. Yet, Provincial legislation and local housing needs dictate that opportunities for housing intensification be examined.

This report is divided into the following sub-sections:

- 2.0 Review of Submissions/Comments
- 3.0 Analysis of the Proposed Strategy
  - A. Pre-1940 Areas
  - B. Housing Intensification Opportunities
- 4.0 Conclusions

## *2.0 REVIEW OF SUBMISSIONS/COMMENTS:*

In total, 27 submissions have been received as a result of the public meeting held on March 20, 1991 (See Appendix 1 for Summary). At the meeting, 31 citizens addressed the Planning and Development Committee regarding the strategy (see Minutes contained in Appendix 2). Copies of the submissions received are available for viewing in the Planning and Development Department.

The overriding theme of the comments was that the problems associated with the concentration of conversions in pre-1940 areas must be addressed. However, it was also recognized that opportunities for housing intensification must be created in the City.

These are two distinct, yet interrelated issues. While both these issues relate to housing intensification, they should be analyzed and dealt with separately, as different solutions are required for each one. Therefore, this report examines each of these issues independently.

Initiatives supporting redevelopment, infill and non-residential conversions were generally supported by the public.

The comments received provide a wide range of ideas which vary from providing more stringent controls for residential conversions, to the suggestion that all barriers inhibiting conversions be removed.

Specific comments and concerns focused on the following key issues:

A) Over-Intensification in the Pre-1940 Areas:

The impact and amount of conversions in the pre-1940 areas, particularly in Wards 3 and 4, were identified as major concerns. As illustrated in Appendix 1, the problems arising from over-intensification in existing neighbourhoods and the need for stabilization of neighbourhoods were identified as most important. Specifically, the following comments were made:

- the increased demands for on-street parking and the paving of front yards, as a result of residential conversion, has adversely affected neighbourhoods;

- residential conversions have changed the character and appearance of the pre-1940 areas because of:

  - increased noise;
  - garbage/property maintenance;
  - absentee landlords, with less stake or commitment to the neighbourhood; and,
  - external physical alterations to single-family dwellings (e.g. outside staircases);

- the intensity of conversions in some neighbourhoods or streets has altered the mix and variety of housing in neighbourhoods. Citizens have stated that in some areas and streets almost all homes have been converted.

- there is a need for stability in the pre-1940 areas. Measures must be developed to protect these areas from future conversions; and,

- the pre-1940 areas have absorbed the demand for residential conversions for the entire City for the last 40 years. It is now time for the remainder of the City to provide for its own needs.

B. Illegal Conversions

As a result of the study, illegal residential conversions have been identified as an issue of concern. Comments received from the public include:

- there are high concentrations of illegal units in the lower city resulting in problems such as:

  - health and safety problems;
  - greater demands for on-street parking;
  - loss of tax dollars;
  - changes to the streetscape;

- illegal units should be identified and deconverted;

- deconversions should not occur as displaced tenants will lose their homes. A housing intensification program must be developed which does not result in people losing their homes. The rights of tenants in illegal units need to be protected; and,

- there is a need for more flexible by-laws to allow for a variety of residential uses throughout the City. This could reduce illegal conversions, as owners have greater opportunities for conversion.

C. Enforcement

It was generally suggested that any housing intensification strategy must address the need for improved enforcement of Zoning and Building Code infractions. Specifically, comments and submissions received called for:

- higher fines for by-law infractions (while others suggested that fines not be raised);
- inspectors be given greater powers of entry;
- attention be given to the problems associated with conversions due to absentee landlords; and,
- the City increase its enforcement of illegal units.

D. Residential Conversion

Residential conversions have been identified as the most contentious form of housing intensification. While many of the comments received from the public supported other forms of intensification (i.e. infill, redevelopment and non-residential conversions), the majority of the comments addressed concerns with residential conversions. These include:

i) Owner-Occupancy Requirement

The proposed strategy calls for owner-occupancy to be a requirement for residential conversions. However, comments received noted that:

- legislation requiring owner-occupancy may be contrary to the Charter of Rights and, therefore, would be difficult to implement;
- owner-occupancy will be most difficult for the City to enforce; and,
- while owner-occupancy is desired, all other aspects of the intensification strategy should not be tied to it solely.

ii) 20 Year Age Requirement

The strategy proposes that a 20 year age restriction be established for residential conversions. As such, a single family dwelling must be at least 20 years old prior to being permitted to convert. Comments received from the public stated that:

- the 20 year age requirement is not equitable since some areas of the City will be allowed to convert as-of-right, while others would be reserved for single family housing over the short run; and,
- new areas should be allowed to convert, as often young families move into new homes and may need the extra income from a rental unit to afford the home.

iii) Size Requirements

The strategy recommended a change to the 65 m² (700 sq. ft.) minimum unit size requirement for converted units to require only one unit in the converted dwelling to be 700 sq. ft. The size of the remaining unit(s) would be regulated by the Building Code. Comments received ranged from the removal of all size requirements to keeping present policies intact.

iv) Parking

Parking was identified as a concern in areas where residential conversions are permitted. However, it was also suggested that present parking requirements act as a barrier to conversions and, this was suggested by some that parking requirements be reduced to encourage conversions. The strategy does not suggest any parking reductions.

## *3.0 ANALYSIS OF THE PROPOSED STRATEGY:*

Based on comments and submissions received on the proposed strategy (Appendix "3"), two areas of concern have emerged regarding conversions. One is the need for the protection and stability of the pre-1940 areas. Numerous problems regarding the concentrations of conversions and illegal units in these areas have been identified.

The other area of concern is the requirements for residential conversions proposed by the strategy. These requirements are of particular concern since they are perceived to impact the quality of life.

As part of this analysis, various options to the concerns will be outlined. Included in the options are the previous proposals of the strategy (in bold). Other options are as a result of public comments, submissions and discussions with citizens and staff.

### A. PROTECTION FOR PRE-1940 AREAS

From the comments received regarding the impact of residential conversions on the pre-1940 areas, it is clear that a comprehensive approach regarding conversions, both legal and illegal, is required. As a result, the following initiatives are examined in order to provide some stability to the pre-1940 areas of the City:

i) Pilot Project - Neighbourhood Action Program

Options:

a) Request the Province to fund a pilot project to deal with the issues associated with residential conversions; or,

b) Do not require a pilot project, as it would take too long to achieve any concrete results.

As noted in the previous Planning and Development report on the proposed strategy, many of the problems associated with the concentrations of conversions in the pre-1940 areas can only be dealt with at a neighbourhood scale.

A pilot project to undertake a "Neighbourhood Action Program" is suggested which would establish neighbourhood committees to review and develop a plan of action dealing with the problems associated with concentration of conversions in the pre-1940 areas. Although this approach may take some time to undertake, it is only through community consultation that local problems can be identified and properly addressed. It is proposed that a neighbourhood advisory committee be established in test neighbourhoods which would undertake the following initiatives:

- collect background information on population, land use, condition of buildings, parking, traffic, maintenance, and development potential;
- analyze information, identifying problems with concentrations of illegal units and other neighbourhood issues;
- assist in the formulation of an action plan to deal with local problems, such as traffic and parking (e.g. stop signs, use of alleys, front yard parking, boulevard parking,etc.), identifying potential areas for redevelopment, infilling, conversions, and information dissemination; and,
- prepare an action plan to deal with the problems.

It should be noted that the pilot project could be funded by the Province as it would form the basis of a model to deal with the problems of illegal units in urban centres throughout Ontario. Preliminary discussions with Ministry of Housing has indicated that the Ministry is interested in funding such a project.

It is suggested that as a priority area the Blakeley/St. Clair and Delta East and West areas be selected for the pilot projects, due to the concentration of converted units. Following the experience of the pilot projects, other neighbourhood consultations can be directed towards the Gibson, Stipeley, Landsdale and Crown Point East neighbourhoods.

ii) Over-Intensification:

Options

a) Downsizing existing "D" Districts to only permit duplexing;

b) Place a moratorium on further residential conversions in pre-1940 areas; or,

c) Place tighter restrictions on residential conversions in pre-1940 areas, in order to encourage more conversions to occur in the post-1940 areas of the City.

One of the arguments in removing exclusionary barriers to residential conversions is the inequity between pre- and post-1940 areas. However, a moratorium or additional restrictions in pre-1940 areas would only create further inequitable situations. In addition, this would encourage illegal conversions as opportunities for legal conversions are reduced or eliminated.

In the pre-1940 areas of the City, many single family areas are zoned "D". This allows conversion of single family dwellings to three-dwelling units in pre-1940 buildings. Outside the pre-1940 areas, most single family areas are zoned "C" which only permits duplexing (see map Appendix "4"). It should be noted that there appears to be a difference in the nature of ownership of duplexes as compared to triplexes. A number of comments from the public noted that problems associated with conversions apply more often to triplexes where there is a greater likelihood of absentee landlords It was suggested by residents that duplexes have a greater likelihood of owner-occupancy which, as noted in the previous report, has greater benefits for the community.

In order to reduce opportunities for triplexing and limit conversions to one accessory unit, it is suggested that existing requirements of the "D" zone be revised to only allow one additional accessory unit in converted dwellings. This would allow the conversion of single family homes to only duplexes rather than triplexes. In addition, this would reduce potential concentration of converted units within neighbourhoods.

This requirement would also create some equity between areas that could be converted for 2 and 3 family dwellings, since the "D" zoned areas are predominantly within the older areas of the City.

iii) Dealing with Illegally Converted Units

Options:

a) Develop programs to identify and deal with illegal units in the City; or,

b) Ignore illegal units already established.

It is recognized that there is a large number of illegally converted units within the City of Hamilton. Although a figure of 10,000 illegally converted units has been used, it appears to have little current basis. However, since illegally converted units have been the cause of most of the problems associated with the concentration of conversions, a program must be developed to identify and deal with illegal units in the City. In addition, the City should take steps to ensure that households are living in safe and healthy accommodations.

In conjunction with the Building and Fire Departments a grandfathering program consisting of the following steps is suggested:

- through advertising, the owners of illegal units will be invited to come forward to allow inspectors to enter the building to assess requirements and changes necessary to either meet building and zoning by-law requirements and/or to bring the building up to current health and safety regulations. If appropriate, Zoning By-law changes should be initiated;

- during this "window of opportunity" some leniency could be given to minor By-law infractions. The merits of each conversion will be evaluated on an individual basis. However, beyond this "window of opportunity", it should be made clear to owners that the only response to illegal units will be strict compliance with the building and zoning by-laws, otherwise deconversion will be required;

- to encourage owners to come forward existing home renovation grant and loan programs, can be targeted to these dwellings, in order to bring these units up to acceptable standards; and,

- in the case where owners cannot bring their units up to these standards, they will be required to deconvert.

This program is an important way to ensure that health and safety requirements have been met, so that tenants have an adequate and healthy living environment. This has been identified as a major concern to all groups and citizens in residential conversion discussions.

iv) Enforcement

Options:

a) **Request Province to permit greater entry rights for inspectors;**

b) **Request Building Department to monitor complaints, continue enforcement of Building Code and Zoning By-laws and examine opportunities for certificates of occupancy;**

c) **Increase fines for by-law infractions;**

d) Do not enforce zoning by-law requirements in regard to residential conversions; or

e) Step-up enforcement of illegal conversions through an inspection program which would inspect all dwellings.

The proposed strategy recognizes that there is a need for increased enforcement in order to address the problems associated with illegal conversions. If by-law requirements are appropriate they should be enforced; if not, the requirements should be changed.

As such, the following initiatives as suggested in the proposed strategy, should be considered:

- building inspectors should be allowed right of entry in order to ensure that zoning and building regulations are being followed. The City has requested the Province to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors greater rights of entry;

- the Building Department should be requested to examine opportunities for Certificates of Occupancy in order to verify and uncover illegal units;

- the Building Department should continue with enforcing property standards and dirty backyard by-laws including court actions on a complaint basis;

- the Building Department monitor and report on the success of its enforcement actions to the Planning and Development Committee on a regular basis; and,

- the City should increase fines for contravention of a zoning by-law. The City has increased its fines to a maximum of $20,000 for an individual, and $50,000 for a corporation for contravention of the Zoning By-law, as provided in the Planning Act.

v) Parking

Options:

a) **Restrict vehicle parking turning and access to a maximum 50% of the front yard to help maintain the character of single family areas;**

b) **Maintain current by-law requirement for parking (i.e. 2 spaces for a duplex, 4 spaces for a triplex);**

c) Reduce parking requirements to create more intensification opportunities; or,

d) Prohibit the removal of front porches and verandas for parking.

As verandas and front porches can be removed for a variety of reasons, it is not suggested they be prohibited from demolition for parking. In addition, the demolition of a veranda in some cases may enhance the appearance of the dwelling.

To preserve the single family character of areas, the strategy proposes that front yard parking be restricted to a maximum of 50% of the front yard area. This will ensure that at least 50% of the front yard remains landscaped. Presently, along certain streets front yards are used entirely for parking which drastically alters the residential character of the area.

With regard to the option for reduced parking, no further changes are suggested to the current parking requirements, as there are other initiatives in the strategy which will create further opportunities for residential conversions.

The "Neighbourhood Action Program" should deal with innovative solutions to current parking problems, such as locating and providing off-street parking in areas where on-street parking is a problem.

vi) Increased Conversion Opportunities

As identified by the public, a key element in reducing the impact of the concentration of conversions in the pre-1940 areas to increase residential conversion opportunities throughout the City. This element of the strategy will be addressed in the following section.

## B) RESIDENTIAL CONVERSIONS

As previously stated, residential conversions can be the most cost effective form of housing intensification, thereby resulting in affordable rental housing.

Residential conversions are a function of rental housing supply and demand. In the past, high demands for rental accommodation have resulted in continued low vacancy rates. As a result, owners of single family homes have found it financially attractive to convert to duplexes and triplexes. However, as vacancy rates continue to rise there will be less and less conversions occurring. In fact, if rates are high, a trend towards the deconversion of previously converted dwellings back to single-family dwellings can be expected. It must be recognized that residential conversions are a market driven form of affordable housing and the supply of this form of rental housing will vary, depending on the market. Certainly, as a form of affordable rental housing, converted housing is not a secure supply. Other initiatives, such as non-profit and co-op housing must still be provided to assure a long term supply of affordable housing.

As evidenced by CMHC's rental apartment vacancy rate statistics, the demand for converted units has weakened considerably over the past two years. In April, 1989, the vacancy rate for rental units in structures with 3-5 units was 2.2%; by April 1991, the vacancy rate had increased to 5.5%. A rate between 2.0 to 3.0% is regarded as a competitive marketplace. This slowing in the demand for converted units is consistent with overall trends in the rental marketplace, where the vacancy rate for units in structures with 6 or more units has risen from 0.4% in April, 1989 to 1.4% in April, 1991.

Based on comments received from the public, the following aspects of the proposed residential strategy must be revisited:

i) Owner-Occupancy and Requirements

Options:

a) **Require owner-occupancy for all residential conversions. Provincial legislation is required to do this;**

b) Pursue the possibility of owner-occupancy with the Province. However, do not make it a requirement of residential conversions; or,

c) Drop the owner-occupancy requirement from the strategy.

In the proposed strategy, owner-occupancy was identified as the most effective mechanism to deal with the problems associated with absentee landlords. As a result, the strategy suggested that owner-occupancy be a requirement for residential conversions. However, in light of the need for Provincial legislation to require owner-occupancy and the question of the compliance to the Charter of Rights, it is suggested that this not be a requirement for residential conversions.

Other Ontario municipalities have recognized the importance of owner-occupancy. Etobicoke has undertaken an Official Plan Amendment that requires owner-occupancy for conversion. In addition, other municipalities such as Burlington and Scarborough have examined and considered owner-occupancy as a requirement.

Opportunities for owner-occupancy should still be pursued with the Province since this requirement has merit. In addition, current renovation programs administered by the City, should require owner-occupancy when residential conversions occur.

ii) Age Limits

Options:

a) **Existing single-family homes must be a minimum of 20 years before conversion can be permitted;**

b) The suggested 20 year age limit should be removed;

c) An age limit should restrict conversions to post 1940 dwellings;

d) The 1940 age requirement should stay as is; and,

e) No conversions should be allowed.

The need for intensification and equity has been recognized in this and previous reports.

The 20 year requirement was originally selected since this is tied to the aging of a household, which is the time children grow up and move out of the house, creating opportunities for intensification. Specifically:

- there is demand for single family areas. If not provided, households could choose to locate outside the City where this form of housing is provided;
- there may be some relocation of higher cost housing to other municipalities, since developers cannot assure single family housing. Higher-end housing is as important to a community as affordable housing;
- no housing is protected forever, as all housing will be eligible for conversion, eventually; and,
- house prices could rise as builders pass on costs for already converted homes to new buyers.

While comments from both housing advocates and pre-1940 area residents suggested the elimination of the 20 year requirement from the housing strategy, an age restriction still has merit from a planning perspective. Official Plan Policies calls for a variety of housing types and styles. With as-of-right conversions, there would be no single family areas. As a result, people who wanted this form of housing would have to locate outside the City. Until all municipalities provide for as-of-right conversions, some single family housing stock should be provided in Hamilton.

Therefore, the 20 year age limit should still be considered as part of the strategy. With a 20 year requirement, all housing would eventually be eligible for conversion. In addition, there remains considerable opportunities for conversion in most areas of the City.

iii) Size of Units

Options:

a) **Require at least one unit of the converted dwelling to be a minimum of 65 m² (700 sq. ft.). The size of the remaining units will be governed by the Building Code;**

b) Keep the current 700 sq. ft. requirement for all units in a converted dwelling;

c) Provide for a 700 sq. ft. average between all units in a converted dwelling; or,

d) Have no size requirements. Unit size will be controlled by Building Code requirements.

The strategy proposed a reduction in the required size for housing conversions to a minimum of 65 m² (700 sq. ft.) for one unit, with the remaining unit(s) to be controlled through the Building Code (approximately 350 ft.² for a one bedroom apartment). This implements the concept of accessory apartments, where one unit is a principal unit (preferably owner-occupied), while the remainder are smaller secondary units.

As the previous reports identified, the need for housing conversions is primarily for single-person, single-parent households and older households which have less people and require smaller units. Generally, the smaller the unit, the more affordable the rent. These requirements will also help encourage the integration of both larger and smaller households.

The strategy's proposal for one 700 sq.ft. unit is a compromise between options which call for in removal of all age requirements in the Zoning By-law inkeeping current unit size requirements. In addition, changing the "D" district requirements to only permit duplexing, will restrict conversion opportunities in older parts of the City and therefore, size reduction should not increase the number of conversions in the pre-1940 areas.

It should be noted that there appears to be no health or safety reasons for the 700 sq. ft. requirement. Health and safety is ensured through the Building Code.

iv) Taxes

Options

a) That all converted units be properly reassessed by the Province to reflect the increase value of the conversions for the owner and the increase demand for the city services.

Many illegally converted units do not pay their fair share of taxes, because they are not assessed. Converted units will add value to a house and will impact the operating budget of the City as needed services are provided. The added value to the home and increased service costs should be recognized in the realty assessment on the building. Therefore the property taxes it pays will coincide with its value and contribute to the costs of increased services.

## *4.0 CONCLUSIONS*

The Provincial Policy Statement on Land Use Planning for Housing requires the City of Hamilton to increase opportunities for housing intensification. However, as previously noted, such opportunities must be based on local needs and requirements. Provincial legislative change is together with the initiation of local policies and regulations is required to give the City the proper tools to implement an intensification strategy.

Any intensification strategy needs to be sensitive to the needs of the older areas which have provided for the City's intensification needs over the last 40 years. The strategy should try to maintain residential neighbourhoods. The strategy has been revised to address two distinct, yet interrelated issues:

- over intensification in pre-1940 areas; and,
- the implementation of the Provincial Policy Statement requiring increased opportunities for conversion.

The revised strategy being suggested consists of the following:

A Enforcement of Illegal Units, Community Participation and Stability for Pre-1940 Areas

A.1 That the Province be requested to fund a Pilot Neighbourhood Action Program in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis, as contained in the proposed Terms of Reference (Appendix "5").

A.2 That in keeping with the principle of accessory units, the requirements of the "D" (Urban Protected Residential - One and Two-Family Dwellings, Townhouses, etc.) District be amended to permit a converted dwelling containing not more than two dwelling units, rather than the currently permitted three units.

A.3 That a program be developed to identify and deal with illegal converted dwelling units in the City.

A.4 That as part of this strategy, the Province be once again requested to undertake changes to the Building Code Act and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed.

A.5 That the Building Department be requested to:

i) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;

ii) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,

iii) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.

A.6 That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

B Residential Conversions

B.1 That the Planning and Development Department be directed to pursue with the Province the possibility of enacting special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.

B.2 That the Zoning By-law be amended to:

i) permit one accessory apartment as-of-right in all existing single family dwellings in "AA", "B", "B-1", "B-2", "C", "R-2" and "D" Districts, provided the dwelling is a minimum of 20 years of age;

ii) require at least one unit of the converted dwelling to be a minimum of 65 $m^2$ (700 sq. ft.); and,

iii) to permit a maximum area of 50% of the front yard area to be used for vehicle access, turning and parking, to protect the appearance of the street.

B.3 That the Province be requested to reassess all converted units in Hamilton, legal and illegal, in order that appropriate taxes for these dwellings can be collected.

C Redevelopment, Infill, Non-Residential Conversions and Other Initiatives

C.1 That the Zoning By-law requirement in Section 14 for the "H" classification be amended to also allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains for commercial use and meets parking requirements.

C.2 That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:

i) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,

ii) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.

C.3 That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

C.4 That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch and that the Regional Council be required to include this project in the Branch's Work Program.

C.5 That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study and through the Regional Chairman's Task Force on Affordable Housing.

C.6 That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age, to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.

C.7 That in the Neighbourhood Planning process, consideration should be given to the following:

- the designation of areas where conversions can occur, regardless of the age of dwellings; and,
- areas in which mixed residential/commercial uses are encouraged.

C.8 That the Region be requested to encourage Area Municipalities to take a fair share of the demands for housing intensification, and the Region include such policies in their Official Plan.

C.9 That the Province be requested to increase its allocation of non-profit and co-op units to the City of Hamilton.

From the ranges of issues and options, it is clear that there is no easy solution to the questions and problems associated with housing intensification. As well, it is clear that in some areas, there is no consensus from comments received for certain elements of the strategy (e.g. size of unit requirements). However, the strategy attempts to propose compromises in these cases.

As most of the discussion focuses on residential conversions, other forms of intensification should not be forgotten. Infill, redevelopment and non-residential conversions not only provide needed residential units but also contribute to the revitalization of neighbourhoods. As such, the strategy tries to encourage these forms of intensification.

Implementation of various components of the strategy will result in amendments to the Official Plan and Zoning By-law which will necessitate further public input and meetings.

BJ/dkp/ns/ma/s
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# APPENDIX 1

# HOUSING INTENSIFICATION STUDY

## SUMMARY OF SUBMISSIONS

## JANUARY 1, 1991 - MAY 1, 1991

| CONCERNS | Submissions | | Submissions from Organizations | | | |
|---|---|---|---|---|---|---|
| | # of comments (total 27) | % of total | Citizens for Citizens | Regional Task Force | Housing Help Centre | Social Planning and Research Council |
| Over-intensification - noise and parking problems | 12 | 44 | | | X | |
| Stabilize the pre-1940 area ie. moritorium | 11 | 41 | X | | | |
| Remove 20 yr. age requirement | 6 | 22 | X | X | X | X |
| Greater enforcement of Zoning By-Laws | 6 | 22 | X | X | | |
| Supports affordable housing | 6 | 22 | X | | X | |
| External character of homes & streetscapes | 6 | 22 | | | X | |
| Supports infill, redev't and non-res. conversion | 5 | 19 | X | | | X |
| Right of entry for building inspectors | 5 | 19 | X | | X | |
| Section 19 of Zoning By-Law should stay at 65m2 | 5 | 19 | X | | | |
| Loss of green space ie. front yard parking | 5 | 19 | | | | |
| Too many illegal units | 4 | 15 | X | | | |
| Many unkept properties | 4 | 15 | | | | |
| Absentee landlords do not keep up their property | 3 | 11 | | | | |
| Neighbourhoods turning into ghettos | 3 | 11 | | | | |
| Conversion should only occur in pre-1940 areas | 3 | 11 | X | | | |
| Concerned about displaced tenants | 3 | 11 | | X | X | X |
| Increase in absentee landlord and transient residents | 3 | 11 | | | | |
| Illegal apartments be noted deconverted in by-law | 3 | 11 | | | X | |
| Agree with owner-occupancy | 2 | 7 | X | X | X | |
| Increase maximum fines | 2 | 7 | X | | | |
| Against increase in fines | 2 | 7 | | | | |
| Not convinced there is a housing shortage | 2 | 7 | | | | |
| Citizens want to have greater input into study | 2 | 7 | | | | X |
| Changes to Income Tax Act | 2 | 7 | | | | |
| Need good housing mix | 2 | 7 | | | | |
| Disagree with manditory owner-occupancy | 2 | 7 | X | | | |
| Concerned about exclusionary zoning | 2 | 7 | | X | X | |
| More flexible zoning By-laws | 2 | 7 | | X | X | |
| Disatisfied with Provincial Gov't guidelines | 1 | 4 | | | | |
| Conv. should be included in the 25% afford. housing | 1 | 4 | X | | | |
| By-Laws be separate instead of one large by-law | 1 | 4 | X | | | X |
| Suggests permit parking | 1 | 4 | | | | |
| Disagree with moritorium | 1 | 4 | | | | |
| 10 yr. moritorium on overintensified areas | 1 | 4 | | | | |
| Increased crime due to conversions | 1 | 4 | | | | |
| Need a fall-back position to provincial change | 1 | 4 | | X | X | |

## Submission List

Harry and Elizabeth Marshall
210 Maplewood Avenue
Hamilton, Ontario
L8M 1X8

David Clay
21 Fairholt Road South
Hamilton, Ontario
L8M 2T2

Patrick Fung
15 Gladstone Avenue
Hamilton, Ontario
L8M 2H7

Mr. & Mrs. Rutten
62 Fairleigh Avenue South
Hamilton, Ontario
L8M 2K2

Brenda Henderson
52 Rossly Avenue South
Hamilton, Ontario
L8M 3H9

E. Lazar
Citizens for Citizens Committee, Ward 3
77 Barnesdale Blvd.
Hamilton, Ontario
L8M 2V5

Scott Whittington
72 Tisdale Street South
Hamilton, Ontario
L8N 2W2

Sigrid Smith
167 London Street South
Hamilton, Ontario
L8K 2G8

Mary A. Schneider
41 Fairleigh Ave. North
Hamilton, Ontario
L8L 8H1

Ms. Pace
64 Keith Street
Hamilton, Ontario
L8L 3S3

Margaret Kelley
11 Cedar Ave.
Hamilton, Ontario
L8M 3A6

The Social Planning and Research Council
155 James Street South, 6th Floor
Hamilton, Ontario
L8P 3A4
Attn: Marvin Caplan
Vice-President

David Beland
Chairman, Citizens for Citizens
Ward 3
182 St. Clair Blvd.
Hamilton, Ontario
L8M 2P1

Eric Campbell
274 Robert Street
Hamilton, Ontario
L8L 2R4

Lois Brown
206 Maplewood Avenue
Hamilton, Ontario
L8M 1X8

Joyce Anderson
224 Wellington Street N.
Hamilton, Ontario
L8L 5A8

The Members of the Regional Chairman's
Task Force on Affordable Housing
Office of the Chief Administrators Officer
119 King Street West, 15th Floor
P.O. Box 910
Hamilton, Ontario
L8N 3V9

E. Lazar
77 Barnesdale Bldvd.
Hamilton, Ontario
L8M 2V5

H. Gaasenbeek
19 Flatt Avenue
Hamilton, Ontario
L8P 4M9

Walter Mulkewich
Executive Director
Housing Help Centre
135 Rebecca Street
Hamilton, Ontario
L8R 1B9

Marvin Caplan
140 King Street East
Effort Square
Hamilton, Ontario
L8N 1B2

Carol Barret
219 Maplewood Avenue
Hamilton, Ontario
L8M 1X9

Helen Barret
219 Maplewood Avenue
Hamilton, Ontario
L8M 1X9

Beverly McAllister
219 Maplewood Avenue
Hamilton, Ontario
L8M 1X9

R.J. Blair
194 Maplewood Avenue
Hamilton, Ontario
L8M 1X8

Jack Wilson
216 Maplewood Avenue
Hamilton, Ontario
L8M 1X8

K.M. Speakman
212 Maplewood Avenue
Hamilton, Ontario
L8M 1X8

Wednesday, 1991 March 20
7:00 o'clock p.m.
Hamilton Convention Centre,
Chedoke Room "A"

**APPENDIX 2**

An evening meeting of the Planning and Development Committee was held.

| | |
|---|---|
| There were present: | Alderman F. Lombardo, Chairman |
| | Alderman D. Drury, Vice-Chairman |
| | Alderman D. Wilson |
| | Alderman M. Kiss |
| | Alderman V. Formosi |
| | Alderman D. Ross |
| Regrets: | Mayor Robert M. Morrow - Civic Business |
| | Alderman W. McCulloch - Civic Business |
| | Alderman H. Merling - Vacation |
| Also present: | Alderman D. Agostino |
| | Alderman B. Hinkley |
| | Alderman T. Jackson |
| | Alderman G. Copps |
| | Alderman T. Cooke |
| | Alderman V. Agro |
| | Mr. L. Sage, Chief Administrative Officer |
| | Mr. J. Thoms, Commissioner of Planning and Development |
| | Mr. A. Georgieff, Director of Local Planning |
| | Mr. B. Janssen, Planning Department |
| | Ms. P. Sopp, Planning Department |
| | Mr. D. Godley, Planning Department |
| | Mr. B. Allick, Building Department |
| | Mr. L. King, Building Commissioner |
| | Mr. D. Peters, Assistant Chief Prevention Officer, Fire Department |
| | Mr. P. Hooker, Law Department |
| | Mr. Donald Nijsse, Ministry of Housing |
| | Mr. R. Karl, Traffic Department |
| | Mr. K. Brenner, Regional Engineering Department |
| | Mr. J. Ford, Health Department |
| | Mr. P. Lampman, Deputy Building Commissioner |
| | Mr. Kushing, Regional Assessment Department |
| | Mrs. Susan K. Reeder, Secretary |

The Chairman opened the meeting with comments on the intent of the Public Meeting which was to receive input on the Planning Department's recommendations, respecting the issue of Housing Intensification.

Mr. A. Georgieff, Director of Local Planning, outlined the history of the Housing Intensification Study and the process used in arriving at the recommendations.

Mr. B. Allick of the Building Department outlined the Enforcement Process in dealing with illegal conversions via complaints under the Zoning and Property Standards By-laws.

Mr. B. Janssen of the Planning Department provided an overview on the recommendations contained in the Housing Intensification Study Strategy.

The Committee was in receipt of submissions from the following:

(a) R.J. Blair, 194 Maplewood Avenue

(b) Mrs. Elena Lazar, 77 Barnesdale Boulevard.

(c) Carol J. Barrett, Helen June Barrett, Beverley McAllister, 219 Maplewood Avenue.

(d) Elizabeth & Harry Marshall, 210 Maplewood Avenue.

(e) Jack Wilson, 216 Maplewood Avenue.

(f) K. M. Speakman, 212 Maplewood Avenue.

(g) E. Lazar, on behalf of Citizens for Citizens Committee Ward 3.

The Committee was also in receipt of an added submission from Carol J. Barrett, H. J. Barrett and Beverley McAllister of 219 Maplewood Avenue.

The Community Group, Citizens for Citizens, distributed information to people at the meeting as follows:

(a) Notice of a Public Meeting of the Planning and Development Committee dated 1975, September 25, regarding proposed changes to zoning in the Stipley Neighbourhood Plan; and,

(b) Remarks of Citizens for Citizens to the Planning and Development Department recommendations, dated 1991 January 29.

The meeting was then opened up for comments to be made by the Public and the following submissions were received:

Mr. David Beland, Citizens for Citizens, Ward 3, spoke to the Committee. He questioned the conversion based on owner occupancy and feels that this recommendation is unenforceable in accordance with the Law Department's caution and the Globe and Mail article on this type of Law not standing up under the Charter of Rights. He questioned why this recommendation was made when so many sectors recommend against it as being unenforceable. He also indicated that they are concerned at the stabilizing of the pre-1940 Housing Areas and disappointed that there are no recommendations to address this despite their request that this matter be considered.

Mrs. Michaelene Galan, 78 Gage Avenue South, referred to the hand-out given by Citizens for Citizens referring to the 1975 Notice of a Public Meeting of the Planning and Development Committee, regarding the Stipley Neighbourhood Plan which said in part "in order to protect the integrity of the basic residential character, this area should be rezoned to discourage further conversions and pre-empt the creation of boarding and lodging houses. Mrs. Galan indicated that this plan was never implemented and problems for this area have only gotten worse. She indicated that she disagrees with the statement that old dwelling use areas cannot expect the same enjoyment as new dwellings, and summed up by indicating that she is disappointed with the City's actions to-date on the Housing Intensification issue.

Mr. Bob Kronas, 208 Seamore Avenue, Ancaster, representing a Non-profit Housing Association, spoke and questioned lot size and indicated that he is disappointed that this issue was not addressed in the Study Strategy.

Mr. Hank Gaassenbeek, 19 Flatt Avenue, spoke respecting recommendation B.1, and is concerned with the owner occupancy recommendation which he feels is unenforceable. He stressed that such a recommendation would have serious repercussions for absentee Landlords who would be subject to blackmail by tenants if they did not live in the home, which would force them to sell the property at a loss of rental units to the Community and will also encourage illegal actions and a deterioration of the moral fabric of the Community because of this. He indicated that the City should recommend rental control initiatives.

Mr. Munro, 51 Fairholt Road South, indicated that he lives in Ward 3 and has seen the area eroding to duplexes and triplexes from single family area homes over the years. He indicated that the adverse affect of this has been that no parking has been provided for the extra units. He added that backyards could be used for parking instead of front yards since most of these homes have alleyways.

Mr. Michael Leng, 204 London Street South, spoke to the Committee with respect to a recent Ontario Municipal Board ruling of encouraging 25% affordable housing in a community. Mr. Hooker of the Law Department spoke to the Committee with respect to this recent Ontario Municipal Board judgement which dealt with a Burlington case on the Province's policy on affordable housing at 25% content. The ruling indicated that the Province's policy was acceptable but that exception was taken on how Burlington interpreted it. Mr. Leng commended the City for its initiatives in recently cleaning up many undesirable properties. Mr. Leng disagrees that homes should be protected for 20 years since that does not really reflect the changeover of families.

Ms. Marilyn Schneider, 41 Fairleigh Avenue North, spoke with respect to recommendation B.2, which is the 20 year recommendation for conversion of homes and feels that the age restriction should be removed to allow 1990 conversion of new homes, since such a restriction is unfair to the 1940 areas.

A tenant at the apartment building at 121 Park Street, spoke and commended the affordable housing attempts of the Study. She indicated that the realities of today are that fewer people can afford to buy a home. She indicated that conversions occur in the 1940 areas for reasons such as good bus routes, convenient shopping areas, etc. She added that conversion allows single people, i.e. widows, divorcees, etc. to maintain their homes. She also added that concerns are around property maintenance and apply to owners no matter where they live. She indicated that lack of affordable housing means that those with limited income are forced to live in substandard housing.

The resident of 50 Gladstone, spoke and indicated that he is a 2 year Hamilton resident and is opposed to the proposed strategies. He feels that the staff that made the recommendations do not understand the concerns of the affected housing areas and indicated that the lower City Wards have already shouldered enough. He also added that the strategies are ineffective and that the Staff have not listened to the input provided in previous Public meetings.

Mr. Duguay, 15 Elm Street, indicated that he lives on a dead-end street and that they have noticed many traffic accidents in the area recently due to parking on both sides of the street, backing up, elimination of on-street parking for front yard parking and no consideration has been given on rear yard parking possibilities. He indicated that he is opposed to the strategies and feels that they help the landlords to convert and do not assist the single family home owners. He added that his area is getting more congested with people all the time and illustrated by indicated that one house on the street now has 5 cars associated with it. He also added that due to front yard parking, the street has become a concrete jungle. He questioned whether the sewer infrastructure can handle the type of intensification that is occurring in the lower City and fears another North Vancouver situation.

Ms. Tew, 149 Whitney Avenue, feels that the study should have involved more input from the Province, the Federal Government and the Schools.

Mr. David Bowman, 91 Dundonald, spoke to the Committee with respect to his own particular housing difficulty.

Mr. DiLoreto, 48 Chestnut, expressed concerns with the social problems being created by intensification and that areas are becoming ghettos.

Mr. Saraphanian, 38 Fairleigh South, spoke to the Committee and questioned the Law Department's opinion on the owner/occupancy recommendation and why the Planning Staff did not heed the advice of the Law Department in not making this recommendation. He also questioned the 20 year conversion time frame and indicated the emphasis should be on new housing development and not conversions.

Ms. Ann Baxter, 157 Holton Avenue South, spoke to the Committee and expressed concern that the strategy proposals do not address the problems of over-intensification in the lower City, i.e. limits placed on the number of conversions in areas. She emphasized that there should be a mix of housing throughout the City. She also added that she does not like the term affordable housing but rather affordable living.

Ms. Randazzo, 105 Agusta Street, spoke to the Committee and indicated that most families today have 2 children rather than 6 or more as in the past. She added that elderly people in these large homes should be allowed to legally convert their homes, in order that they can remain in them. She added that she feels that the lower numbers at this particular public meeting as compared to the other public meetings reflects satisfaction of those who did not attend. She added that the emphasis should be on property maintenance and that there should be at least a minimum of 700 sq. ft. per unit.

A resident of Barnsdale Boulevard, spoke to the Committee with respect to the Building Code requirements and emphasized that the City By-laws to stabilize pre-1940 areas should be based on lot size and unit size.

Ms. Tillinger, 178 St. Clair Boulevard, criticized the size of the ad placed in the Spectator for this public meeting. She went on to indicated that many homes in the lower City area are for sale but few buyers are an indication of the problems that exists as a result of housing intensification. She asked why the strategies did not address the new homes that are being constructed. She indicated that people who wish to live in single family homes are forced to keep moving to new areas where restrictions of conversions do not apply. In reference to the recommendation, she quoted page 24 of the document and indicated that porches and verandas should not be allowed to be removed when parking on front yards are approved.

Mr. Boich, 244 London Street South, spoke to the Committee and expressed concerns at the erosion of neighbourhoods due to conversions. He indicated that he disagrees with the 20 year turnaround time, since families change before that. He also indicated that his own home is being effected by conversions and expressed frustration that staff have not listened to the input of public meetings and summarized by indicated that he hoped that the final decisions would protect Hamilton Citizens.

Mr. Stahmer, 22 Elm Street, spoke and requested that the City should pay moving costs if people are forced to move out of areas where conversions are occurring. He also indicated that he wants staff to identify where they live.

Mr. Peter Hill, 312 Bay Street South, spoke to the Committee and stressed that he perceives a lack of vision by the policy makers as they are not responsive to the people's vision. He clarified that the study is strategy proposed by staff and not policy, since policy is the pre-requisite of the Council for approval which will occur following these meetings. He added that he feels that Planners often do not meet the vision of the people and the community. He urged that responsive policies be made on such matters as front yard parking. Mr. Hill further added that the lower City has more than its share of intensification and urges decisions to be made on community input.

A Ward 4 resident spoke and expressed anger that the addresses of the staff were not being revealed and challenged the Chair's decision to not reveal this information to the meeting.

Alderman Drury then took the Chair, as a result of the challenge and ruled to deny the request that staff identify their personal addresses.

A resident of the City spoke and questioned why the City staff had not solicited community people to work with them on the strategy recommendations. He expressed concerns at the number of increased driveways added onto front lawns for parking.

Sharon Lofrenia, Citizens Against Poverty, questioned the Affordable Housing aims and the long-term affordability for housing and the dilemma of where displaced people will go if conversions are disallowed.

Mr. Marvin Caplan, representative of the Social Planning and Research Council, spoke and indicated that the Council will be forwarding their written response to the Strategies at a later date and outlined several of the points contained therein.

Mr. B. Fuller, 28 Edgemont Street North, spoke and indicated that he is a 40 year resident. He added that he is proud to live in the lower City area and sited a recent cleanup of the pipeline area in this neighbourhood which has provided leisure space for the neighbours. He also indicated that he is concerned at the safety of the homes being converted and urged the Committee to listen to the public and make decisions accordingly.

Mr. B. Townes, a Downtown resident, questioned the Law Department on the legality of discriminating against home owners of pre-1940 homes which are allowed to convert and newer homes which are not.

A resident of Ontario Avenue, talked about the traffic influx and danger to children as a result of intensification. She indicated that she disagrees with the 20 year conversions rule and indicated that conversions would be desirable for new homes since they often have adequate parking established on the land. She also would like to see the Downtown beautified.

A resident of the Mountain, spoke to the Committee and indicated that she is what is known as a "absentee landlord". She indicated that this is her retirement savings and that she is responsible for fixing up damage caused by tenants. She expressed anger that the Province is unfairly discriminating against landlords and resents the infringements being placed on her private property rights. She sited Bill 4, which is presently being processed which prohibits Capital Cost expenditures being reflected in rents. She indicated that this will be creating more ghettos.

A resident spoke with some suggestions that parking permits could be used to solve some of the intensification problems.

Ms. Mary Tega, 123 Charles Street, expressed concerns that the conversions presently going on will create ghettos.

The Chairman of the Committee then closed the public meeting and thanked everyone for attending. He indicated that further submissions in writing should be forwarded to the City's Planning Department, no later than April 5.

Members of City Council who were in attendance then spoke to the public meeting and thanked everyone for their input and gave comments on the Strategy recommendations.

There being no further business, the public meeting then adjourned.

Taken as read and approved,

ALDERMAN F. LOMBARDO, CHAIRMAN
PLANNING AND DEVELOPMENT COMMITTEE

Susan K. Reeder
Secretary
1991 March 20

## 3.0 A STRATEGY FOR THE PROVISION OF HOUSING INTENSIFICATION OPPORTUNITIES:

The Provincial Policy Statement on Land Use Planning for Housing recognizes housing intensification as one of a number of methods of addressing the affordable housing issue. There are social benefits of providing a choice in housing, particularly affordable housing. There are property right benefits, allowing more flexibility and freedom for the dwelling owner. In the next 10 to 20 years housing intensification through redevelopment, infill and conversions may become the primary method of providing new housing as the supply of vacant residential land in the City will be exhausted.

Based on the foregoing discussions on issues and options, the Planning and Development Department has concluded that the most effective way to realize housing opportunities through housing intensification is through a multi-faceted strategy.

This strategy must be based on local needs and requirements. Changes to Provincial Acts, local policies and regulations and other related initiatives are needed for housing intensification to work effectively in the City.

Such a strategy needs to be sensitive to sustaining neighbourhoods. For example, the older areas of the lower city contain beautiful treed streets and a rich variety of architecture. They are a valuable resource in terms of a variety of accommodation, encouraging business to invest and providing a good quality of life. The strategy being recommended consists of the following elements:

### A. ENFORCEMENT OF ILLEGAL UNITS AND COMMUNITY PARTICIPATION

A.1 That the Province be requested to undertake changes to the Building Code Act (Bill 103) and the Planning Act to enable municipal building inspectors to gain entry into dwellings to ensure that zoning and building regulations are being followed.

A.2 That the Building Department be requested to:

i) examine opportunities for a Certificate of Occupancy process for converted units, including an appropriate fee structure to cover the administrative costs;

ii) continue with its vigorous enforcement of Zoning, Property Standards and Dirty Backyard By-laws, including court actions, on a complaint basis; and,

iii) monitor complaints and report the success of its actions to Planning and Development Committee on a regular basis.

A.3 That the Zoning By-law be amended to provide a maximum fine of $25,000 for an individual and $50,000 for a corporation for contravention of a zoning by-law, as permissible under the Planning Act.

A.4 That the Province be requested to amend the Planning Act to clearly define "use" to include vacant units.

A.5 That the Province be requested to fund a Pilot Project in Hamilton to deal with the issues associated with residential conversions on a neighbourhood basis as contained in the proposed Terms of Reference (Appendix 10).

A.6 That consideration be given to assist displaced tenants as a result of deconversions in locating suitable alternative accommodations.

## B. RESIDENTIAL CONVERSIONS

B.1 That the Province be requested to enact special legislation that will permit Zoning By-laws to regulate owner-occupancy in converted units.

B.2 That provided this legislation is enacted, the Zoning By-law be amended to:

i) permit one accessory apartment as-of-right in all existing single family dwellings in B, B-1, B-2, C and AA Districts and a maximum of two accessory units in all dwellings in the "D" and "DE" districts, provided the dwelling is a minimum of 20 years of age;

ii) require at least one unit of the converted dwelling to be a minimum of 65 $m^2$ (700 square feet); and,

iii) require that front yards have a maximum area of 50% for vehicle access, turning and parking, to protect the appearance of the street.

B.3 Should this Provincial legislation not be enacted, consideration may be given to require each residential conversion to be assessed on an individual basis through Zoning Applications, subject to the requirements of B.2 and that the Zoning By-law be amended to remove-as-of-right zoning in area where it is presently permitted.

## C. REDEVELOPMENT, INFILL AND NON-RESIDENTIAL CONVERSIONS

C.1 That the Zoning By-law requirement in Section 14 for the "H" classification be amended to allow conversions of up to 10 units providing the building existed prior to March 8, 1983 and as long as the ground floor frontage remains in commercial use and is subject to parking requirements.

C.2 That the Barton Street Commercial Strip be targeted as a special area for conversion and that the following initiatives be developed as part of the implementation of the Provincial Housing Policy Statement:

i) appropriate Official Plan policies be developed to encourage conversions of underutilized commercial space to residential use; and,

ii) a program be developed by the Barton General B.I.A., Building Department and Planning and Development Department to encourage conversions.

C.3 That Council continue to encourage proposals for residential infilling, redevelopment and conversions of non-residential buildings, where appropriate. Further, Official Plan policies encouraging these activities will be developed as part of the implementation of the Provincial Housing Policy Statement.

C.4 That an inventory of suitable sites for infilling, redevelopment and conversion of non-residential buildings be developed in conjunction with the work of the Regional Planning Branch.

## D. OTHER INITIATIVES

D.1 That the Planning and Development Department examine other mechanisms for the provision of affordable rental housing through the Municipal Housing Statement Update and the Provincial Housing Policy Statement Implementation Study.

D.2 That the Zoning By-law be amended to create a new Zoning district, where conversions are permitted for all dwellings, regardless of age to be used in new areas upon the request of developers, and designated in the Neighbourhood Plans.

D.3 That the Neighbourhood Planning process review the following:

- the designation of areas where conversions can occur, regardless of the age of dwellings; and,
- areas in which mixed residential/commercial uses are encouraged.

D.4 That the Region be requested to encourage Area Municipalities to take a fair share of the demands for housing intensification, and the Region include such policies in their Official Plan.

D.5 That the Province be encouraged to increase its allocation of non-profit and co-op units to the City of Hamilton.

## E. CONCLUSION

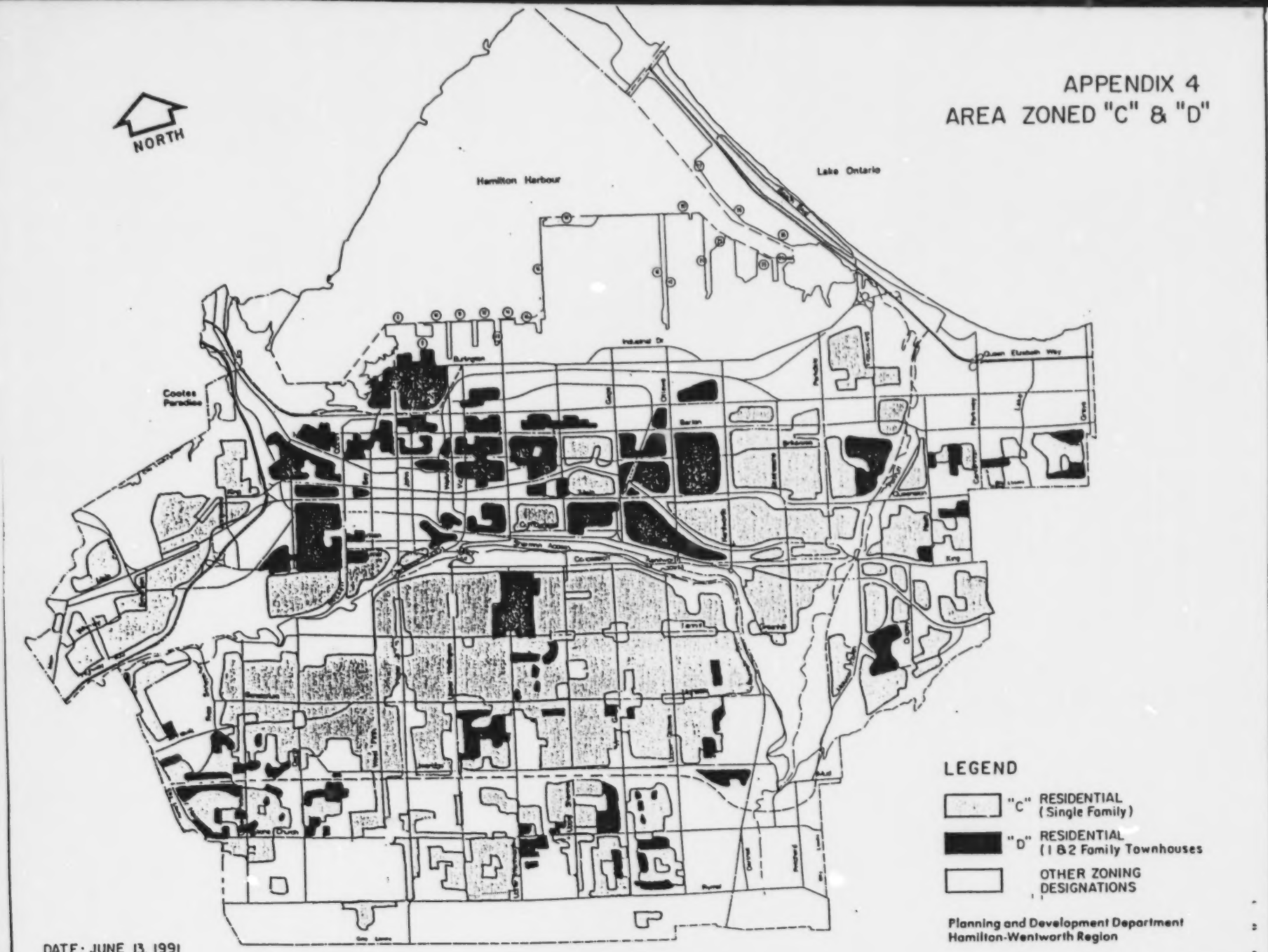
From the range of issues raised and analysis of alternatives, it is apparent there are no easy solutions to questions respecting housing intensification. What this report attempts to provide is an approach that blends existing policies, regulations and procedures, together with the need for legislative changes and provincial co-operation in the testing of a strategy through a model demonstration program.

Given that the strategy advocated above is significantly different from the draft options that were presented at two public meetings last year, it is suggested that an additional public meeting be held to discuss this approach.

BJ/dkp

A:\HOUS-INT.REP

# APPENDIX 4
# AREA ZONED "C" & "D"



**APPENDIX 5**

## TERMS OF REFERENCE

## COMMUNITY BASED PILOT PROJECT ON HOUSING INTENSIFICATION

### INTRODUCTION

- Housing intensification strategies offer opportunities to provide housing to fit the communities needs.

- A Provincial Policy Statement outlines a framework for housing intensificiation. The Housing Intensification Study for Hamilton addresses City-wide issues.

- Neighbourhood level issues, street issues and individual issues need to be dealt with at a local level. This fits in with the community based approach advicated by the Province and the neighbourhood planning approach used by the City.

- Two areas have been identified to be the focus of the pilot project - St. Clair/Blakeley and Delta East and West. These areas exhibit high levels of both housing intensification and concern about the issue.

- Neighbourhood groups need to be formed to work towards consensus on issues. The groups will be balanced to represent different points of view. This will contain landlords and tenants as well as resident owners.

- The initial group meetings will be orientational and educational. Subsequently a work program will be established. Finally, the work program will be undertaken and evaluated.

- Housing intensification based on owner occupancy, will reduce neighbourhood concerns, however, in areas which already have a higher level of conversions, a neighbourhood group can be established to address concerns and problems.

- A Committee will be a form for mediation where necessary, where individual activities important to the neighbourhood.

### PROCESS

**Phase 1 Setting up Neighbourhood Groups (2 months)**

Neighbourhood groups could be set up by Council and be co-ordinated by the Planning and Development Department in much the same way as neighbourhood planning advisory groups operate when preparing a neighbourhood plan. During neighbourhood planning exercises there are very often a number of side issues of parking maintenance, etc. and these could become the focus of the new groups. The Building Department would play a key role, and other departments could help the group as necessary.

An introductory letter about the pilot project will be sent to each owner and tenant. Applications for group membership will be invited. Members will be appointed by the Planning and Development Committee.

**Phase 2 Orientation and Education (3 months)**

Presentations will be made by various organizations - Ministry Staff, City Staff, affordable housing groups, neighbourhood groups, etc. Background information will be provided. Issues will be discussed.

**Phase 3 Work Program (1 month)**

The neighbourhood group will establish a work program including priorities in conjunction with resource staff who would carry out the work.

Work of the Committee should address the following:

(i) Information collection

- population, use of dwellings, condition of dwelling, parking, traffic, yard maintenance, development potential.

- attitude survey similar to the ones carried out in Central/Beasley, Homeside and Bruleville.

(ii) Analysis

- identifying illegal units, non-assessed units, parking and traffic issues, maintenance concerns and other neighbour concerns.

(iii) Strategies

- traffic and parking, (e.g. stop signs, speed restrictions, use of alleyways, front yard parking, boulevard parking, permit parking, creating additional parking space, enforcement, etc.).

- potential areas for redevelopment, infill and conversions.

- acting as a watchdog on emerging issues.

- information dissemination and education, (e.g. public meetings, news sheets, information bulletins).

(iv) Actions

- targetting key illegal units and dealing with them on an individual basis (e.g. enforcement, tenant relocation, legalization, publicity about improvement programs such as Ontario Home Renewal Program and Convert to Rent).

- targetting key maintenance issues, and dealing with them on an individual basis (e.g. enforcement, discussions between landlords and the neighbourhood group, etc.).

- dealing with neighbour problems, (e.g. mediation, discussions between landlords/tenants and the neighbourhood group, referral to Police, Noise Control Officer, Property Standards Officer, etc.).

- making representation on development applications, (e.g. committee of adjustment, zoning, boulevard parking, etc.).

- mediation between residents, property owners, City and tenants, when appropriate.

**Phase 4 Implementation (8 months)**

Work would be undertaken and reviewed by the neighbourhood group. A final report documenting and evaluating the project would be prepared by the Planning and Development Department.

**FUNDING**

Provincial funding resources are needed as soon as possible to take action on as many areas as possible. A terms of reference for each group should be set up and reviewed by the group to clarify objectives. Groups should then discuss priorities, (e.g. between surveys and enforcement).

Grants under the Ministry of Housing's 'Neighbours' Program should be directed to the two areas where concerns are strongest and where the neighbourhood problems are most acute:

- Blakeley/St. Clair
- Delta East and West

Pilot Neighbourhood projects including neighbourhood committees should thus be set up with Provincial funding. The neighbourhood committee approach is educational in itself. The Province is looking for potential Pilot projects and it would be appropriate for the City of Hamilton to be at the leading edge of solutions for housing intensification.

Further projects, based on the experience of the pilot projects could be directed to:

- Gibson
- Stipeley
- Landsdale
- Crown Point East

**ADMINISTRATION**

Committees must be representative of neighbourhoods and include tenants and landlords as well as owner occupiers to encompass all points of view to enable them to deal sensitively with all situations. Committees could work with staff and aldermen to resolve issues locally and give advice through the Planning and Development Committee in accordance with the Terms of Reference.

The neighbourhood groups will report to the Planning and Development Committee. The Planning and Development Department would co-ordinate the group. Other departments, e.g. Building, Traffic, Public Works would be called in as necessary.

**TIME SCHEDULE**

| | St. Clair/Blakeley Project | Delta East/West Project |
|---|---|---|
| Phase 1 | September - October | January - February |
| Phase 2 | November - January | March - May |
| Phase 3 | February | June |
| Phase 4 | March - October 1992 | July - February 1993 |

| STAFFING AND COSTS | St. Clair/Blakeley Staffing $ | Delta East/West Staffing $ |
|---|---|---|
| Phase 1 (2 months) | 2,000 | 2,000 |
| Phase 2 (3 months) | 10,000 | 10,000 |
| Phase 3 (1 month) | 3,000 | 3,000 |
| Phase 4 (8 months) | 40,000 | 40,000 |
| Total | 55,000 | 55,000 |
| Cartographic/Technical Support | | 10,000 |
| Printing/Secretarial/Administrative | | 20,000 |
| Overall cost of project | | 140,000 |